

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA,

**DEFENDANT'S PROPOSED
VOIR DIRE**

-VS-

WILLIE HARRIS

14-CR-6149EAW

Defendant.

The Defendant, by and through his attorney, BRYAN S. OATHOUT ESQ., hereby requests that the Court include the following questions in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure.

Dated: February 27, 2016
Rochester, New York

Respectfully submitted,

/s/Bryan S. Oathout
BRYAN S. OATHOUT, ESQ.
Attorney for Defendant
30 West Broad St., Suite 400
Rochester, New York 14614
Telephone: (585)317-2211
Email: bso@bryanoathoutlaw.com

DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS

1. Did any members of the jury panel know one another before assembling for this jury panel? If so, in what way?
2. Have you ever served previously as a member of a trial jury? If so, when and in which court? Was it on a civil or criminal case? Were you allowed to reach a verdict? What was the outcome of the trial? Have you ever served as a foreperson on a jury? Was there anything about your experience on a jury that would make it difficult for you to sit on this jury?
3. Does anyone on the jury panel have a friend or family member who is a law enforcement officer? Do you discuss his/her professional affairs? What have these discussions been about? Do you believe that law enforcement officers are more worthy of belief, just for that reason, than anyone else? Why?
4. If you do not have a friend or family member who is in law enforcement, do you believe that law enforcement officers are more believable than private citizens? If so, why?
5. Does anyone on the jury panel watch television shows which pertain to the courts, lawyers, police or the criminal justice system? If so, what shows do you watch? What appeals to you about that show? Do any of you expect that this trial will be as fast-paced and entertaining as a television show? Would you be able to pay attention if it were not?
6. Does anybody come to court with the believe that our system of justice is failing? If so, how? What would you do differently?
7. Do you know the defendant, Willie Harris? How do you know him?
8. Is there anyone who may not know Willie Harris but who may have heard of him? What have you heard about him?
9. Does anyone own a firearm? For what purpose?
10. Has anyone had a family member or friend leave something at your house? Has anyone left something at a friends or family members house?
11. Is there anyone on the jury panel who has a friend or family member who has had a problem with guns? If so, how that person's problems with guns affected your life.
12. Is there anyone on the jury panel who has a friend or family member who has had a problem with drugs? If so, describe how that person's drug problem affected your life.
13. Is there any person on the jury panel who has been the victim of a crime in

which a firearm was used? What happened? How has that experience affected your life?

14. Does anyone live in a neighborhood in which drugs or guns are dealt on the street? How does that affect you?

15. Whether the jurors would be biased against the defendant based on the fact that these allegations to the possession of Guns

16. Whether any potential juror would be more likely or less likely to convict the defendant because of their own personal feelings towards guns

17. Whether the jurors would be more biased against Defendant because there is an allegation of gun possession and drug sales.

18. Whether the jurors would be more biased against Defendant because there is an allegation of drug possession and sales.

19. If you were my client, would you be completely comfortable having you as a juror on this case?

20. Can you think of anything in your own life that reminds you of this case? What and how?

21. Is there anything that you have seen or heard that would make it hard for you to guarantee to judge my client the same as the other side?

22. What would you think if the defendant did not testify in this case?

23. Is there any person on the jury panel who has a reason why they may not be a fair juror in this case which has not already been asked about?

24. Is there anything you'd prefer to discuss in private?

25. Is there anything we haven't asked you that you think we should know

26. It is further requested that the Court inquire with the jurors their feelings towards, and ability to follow instructions from the Court regarding, the following:

- That the Defendant is presumed innocent.
- That the Government has the burden of proof.
- Defendant does not have to prove anything.
- Defendant does not have to testify.